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**LINDA M. DURBIN**

Type or print name of person signing certification

*Linda M. Durbin*

Signature

*July 19, 2005*

Date

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Applicant: BEIGHT Douglas Wade

Group Art Unit: 1626

Serial No.: 10/629817

Examiner:

Application Date: July 29, 2003

Conf No.: 8253

US Nat'l Entry

Date (if applicable):

For: AROMATIC AMIDES

Docket No.: X11792B

**RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A**  
**NONPROVISIONAL APPLICATION**

Commissioner for Patents  
Mail Stop Missing Parts  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to a "Notice of Omitted Item(s) in a Nonprovisional Application" dated May 20, 2005, noting the absence of page(s) 382 – 387 of the specification (description and claims). from the papers filed with the above-identified application.

Enclosed herewith are: 1) a copy of the Notice and, for completeness of the record, 2) page(s) 382-387 of the specification (claims) of the parent application PCT/US99/29946.

**Petition**

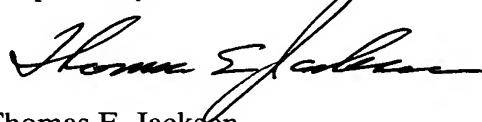
In the filing of the instant divisional application, copies of pages 382-387 (claims) of the parent application PCT/US99/29946 apparently were inadvertently omitted. However, the instant application was accompanied by a Preliminary Amendment on Filing in which the claims of the parent application are provided and amended in conformation with a restriction requirement (and further

Serial No. 10/629,817

emendations) in the parent application. In this circumstance, Applicants request that the claims be deemed as timely deposited as of the time of the filing of the divisional application.

Please charge Deposit Account No. 05-0840 in the amount of \$400 for the petition fee required by §1.17(f). The Commissioner hereby is authorized to charge any additional fees which may be required by this Response, or credit any overpayment, to Deposit Account No. 05-0840. An original and a copy of this paper are enclosed.

Respectfully submitted,



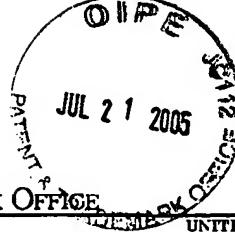
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19 July 2005



UNITED STATES PATENT AND TRADEMARK OFFICE



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/629,817	07/29/2003	Douglas Wade Beight	X-11792B

**CONFIRMATION NO. 8253**

25885  
ELI LILLY AND COMPANY  
PATENT DIVISION  
P.O. BOX 6288  
INDIANAPOLIS, IN 46206-6288

**FORMALITIES LETTER**



\*OC000000016019143\*

Date Mailed: 05/20/2005

**NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 382 - 387 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$400.00 petition fee (37 CFR 1.17(f))) with evidence of such deposit **must be filed within TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$400.00 petition fee (37 CFR 1.17(f))) requesting the later filing date **must be filed within TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(f)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any

omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes . Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

*Charity Young*  
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Office of Initial Patent Examination (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE